

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

IN RE: ETHICON, INC.  
PELVIC REPAIR SYSTEM  
PRODUCTS LIABILITY LITIGATION

MDL 2327

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THIS DOCUMENT RELATES TO:

Lead Consolidate Case:

*Mullins, et al. v. Ethicon, Inc., et al.* *Civil Action No. 2:12-cv-02952*

Consolidate Case:

*Bennett, et al. v. Ethicon, Inc., et al.* *Civil Action No. 2:13-cv-29624*

**INACTIVE DOCKET ORDER**

The Court has been advised by counsel that plaintiffs Teresa Bennett and Kevin Bennett (hereinafter referred to as "the Bennett case") and Ethicon, Inc., Johnson & Johnson, and Ethicon LLC, where named (together referred to as "Ethicon") have agreed to a settlement model with regard to Ethicon. The Court, therefore, finds it unnecessary to conduct further proceedings or to keep the Bennett case on the active docket. Accordingly, the Court **ORDERS** as follows:

1. All pretrial deadlines in the Mullins consolidated case (2:12-cv-02952) are suspended with respect to the Bennett case.
2. That the Clerk retire the Bennett case from the active docket.
3. The Bennett plaintiffs and Ethicon may submit an agreed order of dismissal

with prejudice on or before September 1, 2017; if settlement is not finalized and a dismissal order is not submitted by September 1, 2017, then the Court will have a hearing to determine the appropriate action pertaining to this case.

Counsel for the Bennett plaintiffs and defendant(s) are directed to provide quarterly reports as to their progress in dismissing cases on the inactive docket. The Court is aware that counsel have agreed to a settlement model for a group of cases and claims. The Court will reinstate any case to the active docket if one of the parties, on motion, shows good cause for such reinstatement. Good cause includes, but is not limited to, a plaintiff's refusal or inability to consummate settlement. Such motion must be accompanied by an affidavit from plaintiff explaining such refusal or inability.

The Court DIRECTS the Clerk to file a copy of this order in MDL No. 2327, and link it to the Proposed Inactive Docket Order filed at ECF No. 3350, file a copy of this order in *Mullins, et al. v. Ethicon Inc.*, Civil Action No. 2:12-cv-2952, and in *Bennett, et al. v. Ethicon, Inc., et al.*, 2:13-cv-29624. The Clerk is further DIRECTED to send a copy of this Order to counsel of record and any unrepresented party.

ENTERED: February 3, 2017



JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE